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## **REMARKS**

Applicant, by the amendments presented above, has made a concerted effort to present claims which more clearly define over the prior art of record, and thus to place this case in condition for allowance. Currently, claims 1, 3-25, 27, 28, 30, 31 and 34-74 are pending. Claim 2 was canceled without prejudice herein.

### ***Allowable Claims***

The Examiner indicated that claim 31 is allowed. Claim 31 has been amended to change “at least one door” to “a door” to remove a possible §112 rejection. Applicant submits that this does not effect the allowability of the claim.

The Examiner indicated that claims 16-18, 27, 35, 36, 39, 41, 47, 55, 59, 62, 63, 70 and 73 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 27 has been amended to be independent and to include all of the limitations of claim 20, except that “at least one door” has been changed to “a door” to remove a possible §112 rejection. Therefore, Applicant submits that claim 27 is in condition for allowance.

Claim 35 has been amended to be independent and to include all of the limitations of claim 20, except that “at least one door” has been changed to “a door” to remove a possible §112 rejection. Claim 36 is dependent upon claim 35. Therefore, Applicant submits that claims 35 and 26 are in condition for allowance.

Claim 62 has been amended to be independent and to include all of the limitations of claim 48. Claim 63 is dependent upon claim 62. Therefore, Applicant submits that claims 62 and 63 are in condition for allowance.

Claim 70 has been amended to be independent and to include all of the limitations of claims 66 and 69, except that “at least one door” has been changed to “a door” to remove a possible §112 rejection. Claim 73 is dependent upon claim 70. Therefore, Applicant submits that claims 70 and 73 are in condition for allowance.

***Claim Rejections - 35 U.S.C. §102***

As indicated on page 2 of the Office Action, claims 1-4, 7, 8, 10-12, 14, 15, 19-21, 23-25, 28, 30, 34, 37, 48, 49, 51-54, 56-58, 60, 61 and 64 were rejected under 35 U.S.C. §102(b) as being anticipated by Bennett. Claim 2 has been canceled. Reconsideration and allowance of the remaining claims is requested in view of the amendments and remarks provided herein.

As indicated on page 3 of the Office Action, claim 67 has apparently been rejected under 35 U.S.C. §102(b) as being anticipated by Bennett.

The Examiner did not specifically indicate that claims 65, 66, 69, 71 and 72 were rejected in the discussion on pages 2-3 of the Office Action, but indicates on pages 7-8 that claim 66 is apparently rejected by Bennett (Applicant assumes the Examiner means a §102(b) rejection) and that claims 65, 69, 71 and 72 are rejected on the Office Action Summary and on page 8 of the Office Action. Therefore, Applicant assumes that the Examiner intended to reject claims 65, 66, 69, 71 and 72 under 35 U.S.C. §102(b) as being anticipated by Bennett and has accordingly treated the claims in this manner.

Claim 1 has been amended to specify that “said sleeve having an upper end and a lower end, said sleeve extending along the door such that said upper end of said sleeve is proximate the upper end of the door and said lower end of said sleeve is proximate said lower end of the door” to clarify the previously used “substantial dimension”. The sleeve 38 in Bennett does not extend along the door such that said upper end of the sleeve is proximate the upper end of the door and the lower end of the sleeve is proximate the lower end of the door. Instead, the sleeve 38 in Bennett only extends for a small distance from the lower of the door. As shown in Figure 1 of Bennett, the sleeve 38 is only provided at the lower end of the lockrod 34. The substantial length of the lockrod 34 is exposed to the outside. Therefore, Bennett does not provide for the benefits of the invention defined by claim 1 as discussed in the patent application, viz. reinforcement of the door from bending, and taking the thrust load along the entire height of the door, protecting the lockrod from damage, and allowing for a smooth decal on the rear doors of the trailer.

Therefore, Applicant submits that Bennett does not anticipate amended claim 1 and further cannot be modified to render obvious amended claim 1. Reconsideration and allowance of amended claim 1 is respectfully requested.

Claims 2-4, 7, 8, 10-12, 14, 15, 19 are dependent upon claim 1 which Applicant submits is in condition for allowance. Reconsideration and allowance of claims 2-4, 7, 8, 10-12, 14, 15 and 19 is requested.

Claim 20 has been amended to specify “said member being inclined relative to a plane which is perpendicular to the plane defined by the door at an angle between zero and ninety degrees” to define “the horizontal” as previously used in claim 20.

The Examiner has defined the “horizontal” plane as the front face of the door. Applicant has amended the claim to clarify that “horizontal” means “a plane which is

perpendicular to the plane defined by the door". In Bennett, the arm 62a is not angled relative to this plane at an angle between zero and ninety degrees.

Therefore, Applicant submits that Bennett does not anticipate amended claim 20 and further cannot be modified to render obvious amended claim 20. Reconsideration and allowance of amended claim 20 is respectfully requested.

Claims 23-25, 28, 30, 34, 37 and 65 are dependent upon amended claim 20 which Applicant submits is in condition for allowance. Reconsideration and allowance of claims 23-25, 28, 30, 34, 37 and 65 is requested.

Claim 21 has been amended to specify "said tongue and said pin being insertable into an aperture on the trailer, said lever configured such that said lever can be manipulated relative to said handle to provide that said pin is disposed adjacent said tongue when inserted into the aperture".

As an initial matter, the Examiner has identified lever as member 68a which is shown in FIGURES 9-11 of Bennett. Applicant points out to the Examiner that FIGURES 8-11 show a **second** embodiment of the Bennett invention. Member 68a is **not** relevant to the first embodiment of the invention of Bennett shown in FIGURES 1-7. Therefore, the usage of member 68a in combination with pin 72 and wall 74 is not proper. Thus, Applicant submits that neither embodiment of Bennett discloses all of the limitations of claim 21. Moreover, the Examiner identified a pivotable member 78, but claims 8, 21, 34, 49, 61 and 67 do not claim a pivotable member. Claims 8, 21, 34, 49, 61 and 67 do specify a tongue. Applicant requests that the Examiner specifically identify the tongue and the lever by reference numbers so that the rejection can be fully analyzed.

Nevertheless, Bennett does not disclose a tongue and a pin being insertable into the same aperture as is specified in amended claim 20. If pivotable member 78 is deemed to be

the tongue of claim 21 and pin 72 is deemed to be the pin of claim 21, they are not inserted into the same opening. As is clearly shown in FIGURE 2, pin 72 seats in cam slot 70 (which is formed as part of the shaft 34). As is clearly shown in FIGURE 2, pivotable member 78 merely hangs over the handle 68 and does not sit within an aperture. Applicant concedes that pivotable member 78 may abut against wall 74.

Accordingly, Applicant submits that Bennett does not anticipate amended claim 21 and further cannot be modified to render obvious amended claim 21. Reconsideration and allowance of amended claim 21 is respectfully requested.

Claim 48 has been amended to specify “said second structure including a dog provided on said handle configured to engage said opening, a member provided on said handle and configured to engage said opening such that said member is adjacent said dog within said opening, said member preventing the removal of said dog from said opening”.

Figure 8 of Bennett shows the final position of the handle 68a in solid lines in which the cam formation 72a and a very small portion of arm 62a are positioned within the opening defined by the box 70a. When in this final position, the handle 68a can be freely rotated despite the cam formation 72a and a very small portion of arm 62a being positioned within the opening defined by the box 70a. The entry of the arm 62a into the box 70a does not prevent the removal of the cam formation 72a from the box. To lock the handle 68 of Bennett in place such that the cam formation 72a cannot be removed from the box 70a, a padlock is inserted in hole 71a. Hole 71a is a different opening than the opening 70a in which the cam formation 72a and the arm 62a are inserted.

Therefore, Applicant submits that Bennett does not disclose “said second structure including a dog provided on said handle configured to engage said opening, a member provided on said handle and configured to engage said opening such that said member is

adjacent said dog within said opening, said member preventing the removal of said dog from said opening” as is specified in amended claim 48. Thus, Applicant submits that Bennett does not anticipate amended claim 48 and further cannot be modified to render obvious amended claim 48. Reconsideration and allowance of amended claim 48 is respectfully requested.

Claims 49, 51-54, 56-58, 60, 61 and 64 are dependent upon claim 48 which Applicant submits is in condition for allowance. Reconsideration and allowance of claims 49, 51-54, 56-58, 60, 61 and 64 is requested.

Claim 66 has been amended to specify “said second structure including a dog provided on said handle configured to engage an opening on the trailer, a member provided on said handle and configured to engage the opening on the trailer such that said member is adjacent said dog within said opening, said member preventing the removal of said dog from the opening on the trailer”.

Figure 8 of Bennett shows the final position of the handle 68a in solid lines in which the cam formation 72a and a very small portion of arm 62a are positioned within the opening defined by the box 70a. When in this final position, the handle 68a can be freely rotated despite the cam formation 72a and a very small portion of arm 62a being positioned within the opening defined by the box 70a. The entry of the arm 62a into the box 70a does not prevent the removal of the cam formation 72a from the box. To lock the handle 68 of Bennett in place such that the cam formation 72a cannot be removed from the box 70a, a padlock is inserted in hole 71a. Hole 71a is a different opening than the opening 70a in which the cam formation 72a and the arm 62a are inserted.

Therefore, Applicant submits that Bennett does not disclose “said second structure including a dog provided on said handle configured to engage said opening, a member

provided on said handle and configured to engage said opening such that said member is adjacent said dog within said opening, said member preventing the removal of said dog from said opening" as is specified in amended claim 66. Thus, Applicant submits that Bennett does not anticipate claim 66 and further cannot be modified to render obvious amended claim 66. Reconsideration and allowance of claim 66 is respectfully requested.

Claims 67, 69, 71 and 72 are dependent upon claim 66 which Applicant submits is in condition for allowance. Reconsideration and allowance of claims 67, 69, 71 and 72 is requested.

Claims 38, 40, 44 and 45 were rejected under 35 U.S.C. §102(b) as being anticipated by Bakula. Reconsideration of the rejection in view of the amendments presented herein is requested.

Claim 38 specifies "a thrust bearing disposed between said end cap and said cam structure, said thrust bearing being in direct contact with said end cap and said cam structure, said thrust bearing being rotatable relative to said end cap and said cam structure."

Bakula clearly does not disclose these features. In Bakula, as discussed in Col. 3, lines 56-63, the end sections 19 are integrally cast or forged members that are secured to the rotatable shaft 14. As discussed in Col. 4, lines 1-2 and lines 15-17 of Bakula, collars 21 and 22, shaft portion 23, shaft extension 23' and cam end 24 **form the components** of end section 19. Therefore, collars 21 and 22 do not rotate relative to end section 19 since the collars 21 and 22 are components of end section 19. Moreover, as is specified in Col. 4, lines 15-17, end section 19 is integrally formed with the cam end 24. Therefore, collars 21 and 22 do not rotate relative to cam end 24. This is further buttressed by FIGURE 7 which shows reference numeral 19 with an arrowhead, thereby denoting that this generally shows the overall element; and which shows reference numerals 21, 22, 23, 23' and the specific

elements of 24 with no arrowheads, thereby indicating that these are the specific components of overall element 19. There is no disclosure or suggestion in Bakula that the collars 21 and 22 are rotatable relative to the cam end 24. There is further no disclosure or suggestion in Bakula that an end cap is provided which is separate from element 19.

Therefore, the collars 21 and 22 of Bakula do not provide the benefits of the invention defined by claim 38 as discussed in the patent application, viz. allowing for ease of rotation between the end cap and the cam, providing for smooth rotation between the end cap and the cam, and tightening up the door hardware.

Thus, Applicant submits that Bakula does not anticipate claim 38 and further cannot be modified to render obvious amended claim 38. Reconsideration and allowance of claim 38 is respectfully requested.

Claims 40, 44 and 45 are dependent upon claim 38 which Applicant submits is in condition for allowance. Reconsideration and allowance of claims 40, 44 and 45 is requested.

***Claim Rejections - 35 U.S.C. §103***

Claims 9, 13, 22, 50 and 68 were rejected under 35 U.S.C. §103 as being unpatentable over Bennett in view of McWhorter.

Claims 9 and 13 are dependent upon claim 1 which Applicant submits is in condition for allowance. Reconsideration and allowance of claims 9 and 13 is requested.

Claim 22 is dependent upon claim 21 which Applicant submits is in condition for allowance. Reconsideration and allowance of claim 22 is requested.

Claim 50 is dependent upon claim 48 which Applicant submits is in condition for allowance. Reconsideration and allowance of claim 50 is requested.

Claim 68 is dependent upon claim 66 which Applicant submits is in condition for allowance. Reconsideration and allowance of claim 68 is requested.

Claims 5 and 6 were rejected under 35 U.S.C. §103 as being unpatentable over Bennett in view of Carson and further in view of Turpen. Claims 5 and 6 are dependent upon claim 1 which Applicant submits is in condition for allowance. Reconsideration and allowance of claims 5 and 6 is requested.

Claims 42, 43 and 46 were rejected under 35 U.S.C. §103 as being unpatentable over Bakula in view of Carson and further in view of Turpen. Claims 42, 43 and 46 are dependent upon claim 38 which Applicant submits is in condition for allowance. Reconsideration and allowance of claims 42, 43 and 46 is requested.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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